

10616676 - GAU: *IFW*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Daniel C. Birkestrand et al. : Date: May 4, 2005  
Group Art Unit: 3629 : IBM Corporation  
Examiner: Unassigned : Intellectual Property Law  
Serial No.: 10/616,676 : Dept. 917, Bldg. 006-1  
Filed: July 10, 2003 : 3605 Highway 52 North  
Title: APPARATUS AND METHOD FOR : Rochester, MN 55901  
PROVIDING METERED CAPACITY  
OF COMPUTER RESOURCES

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached Form PTO/SB/08A be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. §1.97. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standard of materiality defined in 37 C.F.R. §1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. §1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with

Serial No. 10/616,676  
Docket No. ROC920030147US1

- 1 -

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.Z./

37 C.F.R. §1.97(g) the filing of this Information Disclosure Statement shall not be construed to mean that research has been made.

To the best knowledge of the undersigned, this Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(3) before the mailing of a first Office action on the merits in the present application. Accordingly no filing fee is required.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 4, 2005

(Date of Deposit)

Debra A. Peterson

Debra A. Peterson

Respectfully submitted,

DANIEL C. BIRKESTRAND et al.

By

Steven W. Roth

Attorney Reg. No. 34,712

IBM Corporation - Department 917

3605 Highway 52 North

Rochester, Minnesota 55901-7829

Telephone: 1-507-253-1600

Serial No. 10/616,676

Docket No. ROC920030147US1

- 2 -

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.Z./

PTO/SB/08A

Application Number.:

10/616,676

Filing Date:

July 10, 2003**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

First Named Inventor:

Daniel C. Birkestrand

Art Unit:

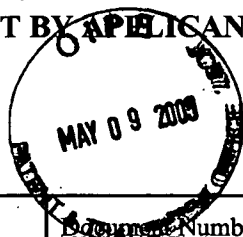
3629

Examiner Name:

Unassigned

Sheet 1 of 2

Attorney Docket Number.:

ROC920030147US1**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns or Lines Where Relevant Passages or Figs. Appear
/S.Z./		US - 5,745,879 A	04-28-1998	Wyman	
/S.Z./		US - 5,956,505 A	09-21-1999	Manduley	
/S.Z./		US - 2002/124168	05-09-2002	McCown et al.	
		US -			
		US -			
		US -			
		US -			
		US -			
		US -			
		US -			
		US -			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document Country <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns or Lines Where Relevant Passages or Figs. Appear	T <sup>6</sup>
/S.Z./		WO 02086698	10-31-2002	Armstrong et al.		

Examiner Signature	/Scott Zare/	Date Considered	11/14/2007
--------------------	--------------	-----------------	------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.Z./

PTO/SB/08A

Application Number.: 10/616,676Filing Date: July 10, 2003**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**First Named Inventor: Daniel C. BirkestrandArt Unit: 3629Examiner Name: UnassignedAttorney Docket Number.: ROC920030147US1

Sheet 2 of 2

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and or country where published.	T <sup>2</sup>
/S.Z./		FRIEDMANN, "Wie gut sind Capacity-on-Demand-Angebote?" February 13, 2003, pp. 1-6	

Examiner Signature	/Scott Zare/	Date Considered	01/23/2008
--------------------	--------------	-----------------	------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.Z./